THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14251 of 2006

Dated: 07-08-2006

Between:

Sri Nakka Sainath Goud and seven others.

..... PETITIONERS

AND

The State of Andhra Pradesh,
rep. by the Sub-Registrar, Medchal, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14251 of 2006

ORDER:

The petitioners, who are eight in number, claim to be owners and possessors of the land admeasuring Acs.4.01 guntas comprised in survey No.417-P situated at Pudur village and Mandal, Medchal, Ranga Reddy District. So as to sell the land to prospective purchasers, they approached the first respondent for ascertaining the market value and registration charges for the said land, which was accordingly furnished by the first respondent. But it appears that the first respondent also endorsed to the effect that as the land of the petitioners is covered by a notification issued under the Land Acquisition Act, 1894 (for short, the Act) for acquiring the land for outer ring road, the sale deed in respect of the said land shall not be registered. Therefore, they filed the instant writ petition.

The matter was adjourned on 13-07-2006 and thereafter too to enable the learned Assistant Government Pleader for Revenue (General) to get instructions in the matter. After getting instructions in the matter, the learned Assistant Government Pleader for Revenue (General) as well as the learned Special Standing Counsel for the Project Director, Outer Ring Road, submit that there is no prohibition for registration of the land even when the notification under the Act is issued. It is further brought to the notice of this Court that the land in survey No.417-P of said village does not form part of the land required for outer ring road or is in the vicinity of the same. Therefore, refusal of registration cannot be sustained.

It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 32 to 36 of the Registration Act, 1908 (the Registration Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Registration Act, 1908. The communication sent by any Revenue Official cannot be based. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A. Gopal Reddy in W.P.No.15199 of 2004 dated 01-09-2004.

Following the same, this writ petition is disposed of directing the first respondent or any other Registering Officer to accept the document presented by the petitioners and to consider the same for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Registration Act. No costs.

(**V.V.S.RAO, J**)

7th August, 2006
ghn